



John Russell KC

Called: 1993

Silk: 2014

Email: john.russell@quadrantchambers.com

Phone: +44 (0)20 7583 4444

John is an experienced and determined commercial advocate and has acted as lead Counsel in numerous Commercial Court trials, international and marine arbitrations and appellate cases, including three successful appearances in the Supreme Court, including the landmark shipping decisions in *Volcafe v CSAV* and the *CMA CGM Libra*. He has also appeared as counsel in inquests and public enquiries.

John was named **Shipping Silk of the Year** for both the Legal 500 UK Awards 2020 and the Chambers & Partners Bar Awards 2020, having also been nominated in 2019. He was named the top maritime lawyer of 2020 by Lloyd's List and appears again in the top 10 in the current list. He is ranked as a Tier 1 Silk in Chambers & Partners in Shipping and Commodities and is also listed in both categories in the Legal 500.

He relishes both detailed legal argument and cross-examination of lay and expert witnesses. He will always ensure that a client's case is presented in the most persuasive manner possible, both in writing and orally.

John provides advice to a wide range of clients. He combines first rate technical legal analysis with a pragmatic, commercial, problem solving approach to cases.

John accepts instructions in many fields of commercial dispute resolution with a particular focus on shipping, commodities, international trade, energy, marine insurance, aviation and travel.

John also takes appointments as an arbitrator in the fields in which he practices.

What the directories say

- *"He has an exceptional ability to make even the most complex and technical points digestible."* (Chambers UK, 2024)
- *"He sees through the fog and identifies the key issues and provides excellent advice and support."* (Legal 500, 2024)
- *"A firm favourite and a standout advocate."* (Legal 500, 2024)
- *"John is a highly polished advocate able to cut directly to the heart of the matter both legal and commercial and to put the points succinctly and persuasively before the court. He is also able to do the same on paper and in conference with clients. The advocate you want to have fighting your corner."* (Legal 500 Asia Pacific, 2023)
- *"He is a fantastic advocate - concise, sensible and pragmatic on paper, he gets straight to the heart of a case and delivers advice with a strong commercial focus."* (Chambers UK, 2023)
- *"John Russell is an excellent barrister with a minimalist, powerful drafting style. He is very accessible and excellent at managing expectations."* (Chambers UK, 2023)
- *"A highly gifted advocate with a superlative depth of knowledge in complex areas of law."* (Chambers UK, 2023)
- *"Excellent grasp of the key points and an ability to put them clearly and succinctly in advocacy."* (Legal 500, 2023)
- *"A highly gifted advocate with a natural flair, he has oodles of charm with clients, arbitrators and judges alike."* (Legal 500, 2023)

- *"A very impressive and experienced advocate - he is the best on his feet and provides sound, commercially-focused advice."* (Legal 500, 2023)
- *"John is good at the technical detail. He is brilliant in the way he is able to distil complicated issues into short and concise advice."* (Chambers UK, 2022)
- *"Fantastic on his feet and very analytical. He grasps the technical issues of a matter and can then translate that into incredibly effective cross examination."* (Legal 500, 2022)
- *"Incredibly bright but also very user-friendly, he is very good at working out from a commercial point of view what clients want."* (Legal 500, 2022)
- *"Very straightforward and persuasive, he is a fantastic advocate with great style, who is calm and very capable on his feet."* (Legal 500, 2022)
- *"He is a good, instinctive lawyer with clear views at the outset of a case and is very approachable."* (Legal 500 Asia Pacific, 2021)
- *"One of the best of his generation, he is fantastic and logical in how he leads the judge."* (Chambers UK, 2021)
- *"John Russell is an excellent and effective advocate."* (Chambers UK, 2021)
- *"His ability to read the tribunal and to analyse questions and situations as they arise during oral hearings is outstanding."* (Chambers UK, 2021)
- *"He is emerging as one of the leading shipping silks."* (Legal 500, 2021)
- *"A very good, practical silk who thinks very well on his feet."* (Legal 500, 2021)
- *"He makes matters seem so easy and simple by being clear, precise and straight to the point. On his feet he is cool under pressure and well organised."* (Chambers UK, 2020)
- *"He's fantastic on all dry shipping matters, very calm and effective with judges."* (Chambers UK, 2020)
- *"Exceptionally commercial and pragmatic and skilled in cross-examinations, he is excellent on his feet."* (Legal 500, 2020)
- *"He has a great knack of analysing difficult legal issues and coming up with the right answer in a way that is clear to clients."* (Legal 500, 2020)
- *"He is very strong on complex cases."* (Legal 500, 2020)
- *"...clear precise and unflappable..."* (The Legal 500)
- *"An excellent advocate whose assessment of cases is invaluable"* (Chambers UK 2019)
- *"He is very thorough and provides good insights into cases."* (Chambers UK 2019)
- *"Very easy to work with and a very good litigator." ... "An excellent advocate whose assessment of cases is invaluable."* (Chambers UK 2019)
- *"He always picks up the key points of the case."* (Legal 500 2019)
- *"He is an experienced and determined advocate who specialises in international and marine arbitrations."* (Legal 500, 2019)
- *"A smart and user-friendly advocate with a growing focus on commodities."* (Legal 500 2019)
- *"He hides a lot of intelligence and practical skill behind being a nice guy!"* (Who's Who Legal, 2018)
- *"He's incredibly impressive, and is someone who always comes up with points that are insightful. He's incredibly impressive, excellent on his feet and a joy to work with."* (Chambers UK, 2018)
- *"Super. He is very straightforward and has an appealing way of presenting his cases." "Very friendly and good at what he does."* (Chambers UK, 2018)
- *"...He comes up with the right legal answer in difficult cases and provides commercial advice..."* (Legal 500, 2017)
- *"...Known for his work in aviation..."* (Legal 500, 2017)
- *"...Particularly highly rated, he has a sharp mind and provides clear advice..."* (Legal 500, 2017)
- *"The kind of barrister you would want to have on your side. He's not afraid to challenge anyone on anything." "He's bright, commercial, user-friendly and he delivers when you need it."* (Chambers & Partners UK 2017)
- *"He's commercial, effective and knows how to win." "John is very well known in the aviation field."* (Chambers & Partners UK 2017)
- *"...A pleasure to work with, he brings a sharp mind to clear and concise advocacy..."* (The Legal 500, 2016)
- *"He has a down-to-earth, no-nonsense approach, and knows when to settle and when to fight"* (Chambers UK, 2014)
- *"He is fearsome, as an opponent"; "He's got bags of charm but a rapier-like intelligence. You've got to watch out because behind the smile..."* (Chambers UK)

Shipping

Shipping litigation and arbitration are at the heart of John's practice, and he has received widespread recognition for his work.

John was named Shipping Silk of the Year for both the Legal 500 UK Awards 2020 and the Chambers & Partners Bar Awards 2020, having also been nominated in 2019. He was named the top maritime lawyer of 2020 by Lloyd's List and appears again in the top 10 in the current 2022 list. He is ranked as a Tier 1 Silk in Chambers & Partners in Shipping and Commodities and is also listed in both categories in the Legal 500.

He has successfully appeared in 3 Supreme Court cases, *The Sea Shepherd*, *Volcafe v CSAV*, and *The Libra*, the latter two in particular providing landmark guidance in relation to the burden of proof, and the meaning of unseaworthiness (and its relationship to negligent navigation), under the Hague/ Hague-Visby Rules.

Dry shipping

John has wide experience of all aspects of dry shipping and related insurance cases dealing with cases arising from bills of lading, time and voyage charters and long term COAs.

Recent and continuing cases include, by way of example:

- Cargo claims of all sorts: John is a market leader in relation to his understanding of the interpretation and operation of the Hague Rules regime, with two successful cases in the Supreme Court. In December 2022, he successfully argued *The Thorco Lineage*, in which the Commercial Court declined to follow the controversial decision in *The Limnos*.
- Unseaworthiness, including passage planning claims.
- Unsafe port/berth claims, including groundings up-river, and in the approaches to the Parana River. John has particular experience in relation to the interface between port unsafety, passage planning, negligent navigation, and pilotage issues.
- Charterparty disputes arising out of the implementation of the IMO 2020 sulphur cap.
- General average claims.
- Salvage indemnity disputes.
- Groundings and collisions.
- Laytime and demurrage claims.
- Off-hire claims.
- Contaminated bunkers disputes.
- Sanctions claims.
- Numerous general charterparty claims arising out of bareboat, time (including NYPE, BOXTIME and SUPPLYTIME cases) and voyage charterparties (on all the main dry bulk, petroleum and chemical forms).
- Force majeure and frustration disputes, including those arising out of the Australia/ China trade war and the physical
- Numerous claims arising out of piracy incidents off Somalia, West Africa and the Far East.

John has a particular specialism in cargo claims, acting for both cargo and carrier interests. He was instructed in the large group actions arising out of the "NAPOLI" and the "RENA" container ship casualties, and is currently instructed in both the "MAERSK HONAM" and "EVER GIVEN" disputes. He has handled claims arising out of a very wide range of goods including: dangerous goods, lithium-ion batteries, cars, petroleum products, chemicals, minerals and ores, scrap metals, soft commodities, bananas and other fruit, reefer cargoes and break bulk.

Yachts

John is also regularly instructed in yacht and superyacht claims and related insurance disputes. Cases in which John has been instructed include:

- Yacht building and design cases, for both buyers and yards, including claims for and against Heesen, Princess, Oyster, Sunseeker and smaller builders.
- Maintenance and repair claims, including the difficulty of assessing/ valuing loss of use claims.
- Charterparty claims.
- Insurance claims, including claims involving scuttling and fraud.
- Navigation claims.
- Shipboard personal injury claims with injuries arising from maintenance/ repair issues, poor design, and navigational fault.

Wet Shipping

John regularly appears in the Admiralty court dealing with all aspects of in rem claims, arrests, orders for sale and related matters, and limitation claims.

He has experience of a number of collision claims, particularly involving yachts, and some salvage experience.

Jurisdiction, interlocutory matters and interim remedies.

John has wide experience of jurisdictional issues, and claims for interlocutory matters and interim relief, including freezing orders and anti-suit injunctions.

John is an innovative thinker, for example, he recently successfully obtained two antisuit injunctions from arbitral tribunals, and *The Thorco Lineage* judgment was obtained using the useful, but somewhat overlooked s45 jurisdiction of the Arbitration Act 1996.

John is familiar with all the major institutional arbitration rules, including LMAA, LCIA, ICC and SIAC terms, and indeed is regularly instructed as an LMAA and LCIA arbitrator.

Commodities & International Trade

Commodities

John has developed a very strong commodities practice. He has extensive experience of FOSFA and GAFTA arbitrations, including appeals from Board of Appeal Awards to court, in LME arbitrations, and commodities disputes on LCIA and ICC terms. A recent highlight was securing an award of US\$45million in a dispute involving Chilean iron ore.

He has been instructed in numerous force majeure claims arising out of recent natural disasters.

John has also been instructed in numerous fraud cases in the commodities sector, including payment frauds, warehousing frauds, and he appeared in the multi-jurisdictional bribery dispute between Eurochem and Dreyamoor.

He is currently instructed in a dispute arising out of a multi-billion dollar contract for long term supply of cereal products.

Transport

John also handles high value freight forwarding, road transport, and warehousing claims, and been involved in numerous cases involving CMR, BIFA, RHA and NAWK / UKWA terms.

Shipbuilding & Offshore Construction

John has wide experience of shipbuilding and offshore construction disputes.

Current, recent and reported cases include:

- Arbitration claim against Dutch yard in respect of build of Superyacht. Issues included the correct specification for the propeller shafts and the quantification of the claim
- Arbitration claim defending an Italian yard in respect of build of Superyacht
- Acted for Oyster and Sunseeker in respect of build quality claims.
- *Maersk v Aalborg* - a US\$10m + claim arising out of construction of boiler facilities for north sea installations.
- Major shipbuilding arbitration in respect of two US\$78million new builds where the principal issues were allegations of professional negligence on the part of the surveyors / supervisors engaged to supervise the build at a Chinese yard.
- The "JORK" case involving collision between vessel and a North Sea installation.
- *The "MIDNIGHT HUNTER" (Torch Offshore v Cable Shipping)* - [2004] 2 Lloyd's Rep. 446) involved the specifications of an offshore supply vessel

Energy

John has experience in disputes relating to platforms and onshore/offshore oil and gas facilities, as well as damages to undersea pipelines.

He was recently instructed in a major ICC arbitration involving the transfer of offshore assets in West Africa.

John is also regularly instructed in relation to trading disputes.

International Arbitration

John appears regularly in LMAA, LCIA and ICC arbitrations involving shipping, commodities and general commercial disputes. He also advises in relation to GAFTA, FOSFA and other commodities arbitrations. He has extensive experience of disputes as to arbitral jurisdiction (including the incorporation and scope of arbitration clauses). John also acts regularly in court on s67/s68/s69 challenges to arbitral awards and has also undertaken court cases concerning the enforceability of awards.

John is increasingly receiving appointments as an arbitrator and is currently instructed in a variety of LCIA and ad hoc references.

Recent and ongoing cases include (for shipping disputes, please see the shipping section of this CV):

- ICC arbitration concerning transfer of offshore assets in West Africa
- LME arbitration concerning sale of copper concentrates.
- LCIA arbitration concerning contracts of sale and distribution agreement for supply of Azeri pomegranate juice into Germany
- ICC and LCIA arbitrations relating to the Eurochem fertilizer industry bribery scandals
- ICC Arbitration - successfully recovered US\$45million in a dispute arising out of a contract for the long term supply of iron ore. The dispute was unusual in that the seat of the arbitration was The Netherlands, and John appeared in the Court of Appeal in The Hague during challenges to the Award.
- ICC Arbitration - €10 million claim arising out of the termination of the contract for the sale / purchase of an Agusta helicopter.
- LCIA arbitration relating to a sponsorship agreement for a major international golf event
- Arbitration claim against Dutch yard in respect of build of Superyacht. Issues included the correct specification for the propeller shafts and the quantification of the claim.
- Arbitration claim Defending Italian yard in respect of build of Superyacht.
- Arbitration concerning charterparty of Superyacht
- *Soeximex SAS v Agrocorp International Pte Ltd* - [2012] 1 Lloyd's Rep. 52 - appeal from a GAFTA award turning on the impact of sanctions on Myanmar on a contract of sale for Myanmar rice.
- LCIA Arbitration (2012) - large claim arising out of sale contract of shipbuilding cranes.
- *Habas Sinai Ve Tibbi Gazlar Isthisal Endustri AS v Sometal SAL* - [2010] 1 Lloyd's Rep. 661 - scrap metal dispute - incorporation of an arbitration clause from previous contracts between the same parties by way of general words of incorporation, even though there were no specific words incorporating that clause.

Insurance

John has wide experience of marine and non-marine insurance claims, advising and appearing regularly in relation to policy wordings, coverage disputes, claims disputes (including fraudulent claims) and claims concerning brokers.

Recent and Reported claims include:

- Advising in relation to coverage issues in nickel warehousing fraud cases.
- Advising in relation to coverage issues relating to long-running employee theft of Jaguar Land Rover parts
- *Quadra Commodities v Ergo Verishigerung* - acting for German underwriters in two large claims on soyabean goods in transit / storage insurance policies. The cases involved complex issues of construction of the policies and experts issues relating to the heating processes of the soyabeans.
- *The "Delphine"* - [2001] 2 Lloyd's Rep. 542
- *Kazakhstan Wool Processors v NCM* - [2000] 1 All ER (Comm) 708 (Court of Appeal - construction of terms in a trade credit indemnity policy)
- *The Zeus V* - [2000] 2 Lloyd's Rep 587 (Court of Appeal - construction of terms in a yacht policy).
- *Gunns v Par Insurance Brokers* - [1997] 1 Lloyd's Rep 173 (QBD - household insurance policy, non-disclosure and misrepresentation, breach of condition.

Commercial Dispute Resolution

John handles many domestic and international sale of goods cases (both long term contracts and individual sales, distribution agreements, claims arising out of letters of credit, and related banking and financing matters.

John has recently been involved in numerous civil fraud claims, including payment frauds, warehousing frauds and the

Eurochem bribery scandal.

Recent and ongoing cases include:

- LCIA arbitration concerning contracts of sale and distribution agreement for supply of Azeri pomegranate juice into Germany
- *PHP Tobacco v BAT*- claims arising out of the termination of distribution agreements for the supply of tobacco products into Caribbean territories, and a raft of performance related issues
- *Icer Brands v Beyond Productions* (ongoing) - large claim arising out of the termination of a distributorship agreement for Beyonce's branded clothing line.
- *Sharda v Hockley* - claim arising out of the supply of wrongly labelled insecticides which caused widespread damage to South African crops.
- Re Goldsmith Cottages - advising administrators of a property development company in respect of claim against surveyors and building contractors following the collapse of a building due to inadequate support.
- *Daeyang v Pioneer Freight Futures* - US\$40million claim arising out of freight futures contracts.
- Dispute involving international sale of shipyard cranes.
- Claim for US\$5million concerning sale of lily bulbs from Netherlands to Kenya.

Aviation & Travel

John was originally a tenant at 5 Bell Yard, the then leading aviation set. He is regularly instructed in all aspects of aviation work, including carriers' liability, fatal accidents, aircraft leases and financing.

John is instructed by the leading tour operators and cruise ship owners/ operators and their insurers, in particular in relation to large scale group litigation and recovery/ indemnity claims against hoteliers. He has particular experience of costs capping and other costs issues arising in such case.

A significant part of John's practice has involved appearing at inquests and other public enquiries. These have included inquests arising out of light aircraft and balloon crashes, holiday accidents, and a major public enquiry into the secure hospital sector.

John is also instructed in relation to personal injury claims in the maritime sector, with cases including injuries to crewmembers on commercial vessels, crew and passenger claims on cruise ships and charter yachts, and injuries on sailing yachts, small motor boats, jet skis and during other leisure activities.

Recent and reported cases include:

Aviation

- *Olympic v Monarch* [2013] EWHC 2561 (Comm) – acted for Olympic arguing that a long term commitment contract was to be implied from a course of dealing.
- ICC Arbitration (2013) €10 million claim arising out of the termination of the contract for the sale/ purchase of an Agusta helicopter.
- Instructed in relation to the Biggin Hill crash
- *Fujitsu Computer Products Corporation v Bax Global* - [2006] 1 Lloyd's Rep. 367
- *GKN Westland Helicopters v Korean Air* - [2003] 2 Lloyd's Rep. 629
- *Laura Leasing v Advanced Braking Systems*- Commercial Court 2002

Travel

- Hotel Bahia Principe - Very large group claim. Tour operators commenced proceedings to obtain early costs capping orders.
- Hotel Soviva (Dawson) - acting for First Choice in relation to food poisoning in Tunisia. Obtained landmark costs capping order in relation to claimants' costs.
- *Hotel Aguamar (Giambrone)* - [2004] EWCA Civ 158- large group food poisoning claim. The Court of Appeal gave important guidance on the quantum of gratuitous care claims.
- "AURORA"; Norovirus Claims - successfully fended off a group action following highly publicized outbreak of norovirus on cruise ship

Maritime

- Severe injury to MOL crewmember during maintenance operations

- Serious head and spine injuries to crew of sailing yachts
- Numerous “trips and slips” in the maritime setting often resulting in very serious injury
- Personal injuries arising out of dinghy racing incidents
- Serious injuries incurred while using speed boats, jet skis and inflatable leisure equipment

Academic

Campbell College, Belfast;
St John's College, Oxford (Law)

Awards

Middle Temple Scholarship

Ranking



Presentations

Numerous papers and lectures on issues relating to carriage of goods, shipping, litigation and arbitration.

Memberships

COMBAR

Languages

French (written)

Interests

Sailing, sport, food, wine